

FILED BY *AG* D.C.
05 NOV -2 PM 4: 23
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GREAT AMERICAN INSURANCE COMPANY

VERSUS

NO. 05- 2519-DV

MERCHANTS AND PLANTERS BANK

RULE 16(b) SCHEDULING ORDER

Pursuant to the Notice of Setting on September 29, 2005 by this Court, a scheduling conference between all counsel was held via telephone on November 3, 2005. Present were Lloyd N. Shields and Elizabeth L. Gordon, counsel for plaintiff, and William F. Kendall, counsel for defendant. At the conference, following dates were established as final dates for:

INITIAL DISCLOSURES pursuant to Fed.R.Civ.P. 26(a)(1): 14 days after the 26(f) conference. If not made before the Rule 16(b) conference, then 14 days after the Rule 16(b) conference.

MOTIONS TO AMEND PLEADINGS:

For Plaintiff: December 4, 2005

For Defendant: January 4, 2006

MOTIONS TO ADD PARTIES:

For Plaintiff: December 4, 2005

For Defendant: January 4, 2006

COMPLETING ALL DISCOVERY: May 4, 2006

This document entered on the docket and in compliance
with Rule 58 and/or 79(a) FRCP on *11/3/05*

7

- (a) **DOCUMENT PRODUCTION:** May 4, 2006
- (b) **DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:** May 4, 2006
- (c) **EXPERT WITNESS DISCLOSURE (Rule 26):**
 - (1) **DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION:** March 4, 2006
 - (2) **DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION:** April 4, 2006
 - (3) **EXPERT WITNESS DEPOSITIONS:** May 4, 2006

FILING DISPOSITIVE MOTIONS: June 4, 2006

OTHER RELEVANT MATTERS:

No deposition may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cut off date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for non-jury trial, and the trial is scheduled to last ONE (1) day. The pretrial order date, pretrial conference date and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded the pursuant to Local Rule 11(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FED R. CIV. P. 12, 56, 59,

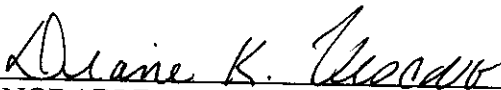
and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED this 2nd day of November, 2005.



HONORABLE DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02519 was distributed by fax, mail, or direct printing on November 3, 2005 to the parties listed.

Elizabeth L. Gordon
SHIELDS MOTT LUND, LLP
300 Industrial Trace
Broussard, LA 70518

Daniel Lund
SHIELDS MOTT LUND, LLP
300 Industrial Trace
Broussard, LA 70518

Lloyd N. Shields
SHIELDS MOTT LUND, LLP
300 Industrial Trace
Broussard, LA 70518

William F. Kendall
WALDROP & HALL
106 S. Liberty Street
P.O. Box 726
Jackson, TN 38302--072

Stephen D. Morel
SHIELDS MOTT LUND, LLP
300 Industrial Trace
Broussard, LA 70518

Honorable Bernice Donald
US DISTRICT COURT